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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR-08-00652-SBA
	)	
12 Plaintiff,	)	ORDER GRANTING STIPULATED
	)	REQUEST TO CONTINUE HEARING
13 v.	)	DATE TO SEPTEMBER 8, 2009 AND TO
	)	EXCLUDE TIME UNDER THE SPEEDY
14 LONNIE IVORY PETERSON,	)	TRIAL ACT
	)	
15 Defendant.	)	Date: July 14, 2009
	)	Time: 9:00 a.m.
16	)	Court: Hon. Sandra Brown
	)	Armstrong
17	)	

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19 The parties jointly requested that the hearing in this matter be continued from July 14,  
20 2009 to September 8, 2009, and that time be excluded under the Speedy Trial Act between June  
21 23, 2009 and September 8, 2009 to allow for the effective preparation of counsel, taking into  
22 account the exercise of due diligence, and continuity of defense counsel.

23 Defendant requested that the government deliver the cocaine base at issue in this case to  
24 Forensic Analytical Laboratories, Inc. for further testing. The cocaine base was delivered to the  
25 laboratory on Monday, May 26, 2009. Additionally, defense counsel just completed a three-  
26 week trial before the Honorable D. Lowell Jensen (CR-07-00126). Defendant intends now to  
27 file a motion to suppress evidence and needs time to research and prepare that motion. The  
28 parties, therefore, requested that the hearing in this matter be continued to September 8, 2009 at

1 11:00 a.m. for a hearing on defendant's motion to suppress, and that the briefing schedule be set  
2 as follows: defendant will file his motion to suppress on August 4, 2009; the government will  
3 file its opposition on August 18, 2009, and defendant will file his reply brief on August 25, 2009.

4 The parties agree the ends of justice served by granting the continuance outweigh the best  
5 interests of the public and defendant in a speedy trial. Therefore, the parties further stipulated  
6 and requested that the Court exclude time between the date of this stipulation and September 8,  
7 2009 under the Speedy Trial Act for effective preparation of counsel, continuity of defense  
8 counsel, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). Additionally, the parties  
9 stipulated and requested that the Court exclude time between August 4, 2009 (when defendant  
10 files his motion to suppress) and September 8, 2009 under the Speedy Trial Act for the time  
11 period between defendant's filing of a pretrial motion and the hearing on the same motion  
12 pursuant to 18 U.S.C. § 3161(h)(1)(D). Good cause appearing therefor, and pursuant to 18  
13 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) and 3161(h)(1)(D),

14 **IT IS HEREBY ORDERED** that the status hearing in this matter is continued from July  
15 14, 2009 to September 8, 2009 at 11:00 a.m., and that time between June 23, 2009 and  
16 September 8, 2009 is excluded under the Speedy Trial Act to allow for the effective preparation  
17 of counsel, taking into account the exercise of due diligence, continuity of defense counsel, and  
18 the time period between defendant's filing of a pretrial motion and the hearing on the same  
19 motion.

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21 DATED: 6/30/09

  
HON. SAUNDRA BROWN ARMSTRONG  
United States District Judge